

FAX TO: 703-308-8623

page 1 of 4

US PATENT & TRADEMARKS OFFICE

OFFICE OF THE SOLICITOR

June 8th, 1999

11017 NE 124th Ave.,
Vancouver, WA 98682-1624
Phone/Fax 360-256-9160
E-Mail : SIMPLAR@PACIFIER.COM

re: US 5875700 - fraud on the PTO

filed: Nov. 17th, 1997issued: March 2nd, 1999

inventor: Robert A. Powell, Camas, WA 98607

Dear Sir / Madam:

This will inform you that the above issued Patent was fraudulently obtained by Mr. Powell by willfully filing a false Patent Application Declaration and by willfully withholding disclosure of Prior Art from the PTO.

Please refer to enclosed 'EXHIBIT 10/a' and to 'EXHIBIT 10/b', a duly sworn and notarized affidavit, indicating both undisclosed prior art known to Mr. Powell in March 1997, as well as his willfully false declaration of original invention on his November 17th, 1997 Patent Application. Note also page 4 'Abstract' US 5875700, where drawing 'reads' on 'EX. 10/b'.

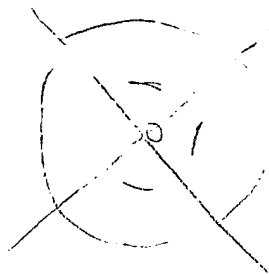
I have a pending utility Patent Application (09/035,936) on this invention and have contacted you following discussion with examiner H. Shackelford for possible prosecution of Mr. Powell under Title 18, US Code, Section 1001, due to the flagrant nature of this case.

It should be further pointed out that the enclosed affidavit represents only a small fraction of available evidence (both witnesses and documentary) which can be provided to your office to press charges.

Sincerely,

Eckhard Bernardy

enclosures



RECORDED AND
INDEXED
BY PHONE. EXAMINED
OFFICE WAS ADVISED
OF THIS AND NO ACTION
WAS TO BE TAKEN.
I WILL MAKE THIS
MATTER
7/99

EXHIBIT 10/a

STATEMENT OF FACTS

This statement will affirm that:

On March 12th, 1997 and on March 13th, 1997 and on March 14th, 1997, at the annual PORTLAND WOOD TECHNOLOGY CLINIC & SHOW, held at the OREGON CONVENTION CENTER of PORTLAND Mr. Eckhard (Eyck) Bernardy, owner of SIMPLARTM CO, publicly did display examples of his SIMPLAR SHREDDERTM brush blade, as well as a narrated video showing the blade in use and a promotional flyer, including text and a realistic artistic rendering of the above brush blade, through Mr. and Mrs. Robert Powell, owners of PERFORMANCE QUALITY SAW SHOPS, INC. who were acting as promotional agents on behalf of Mr. Bernardy and his SIMPLARTM CO product.

Mr. Bernardy personally demonstrated his novel SIMPLAR SHREDDERTM brush blade, the promotional video and the promotional flyers to GRASCHE USA^{Vice} President Mr. Dieter H. Bialek and to GRASCHE Sales Manager Mr. Connell A. Wittkopp, as well as to myself. This demonstration was done openly and publicly on March 14th, 1997 and resulted in a business relationship between GRASCHE USA and SIMPLARTM CO for the production of blade stock for the SIMPLAR SHREDDERTM blade, with my own firm, VOIGHT ENTERPRISES, INC, as Manufacturer's Representative on behalf of GRASCHE USA.

The attached photocopy of the promotional flyer, labeled EXHIBIT 10/b is a true and correct copy of the original promotional flyers distributed publicly during the above cited days of the PORTLAND WOOD TECHNOLOGY SHOW & CLINIC.

I hereby solemnly affirm that the statements contained in this affidavit are true, to the best of my knowledge and belief.

Signed: Andrew J. Feucht II, this day ^{May} ~~March~~ 24, 1999
Andrew J. Feucht II, President, Voight Enterprises, Inc.
23801 NE 53rd Street, Vancouver, WA 98682
360-253-9789 * 800-426-9346 * FAX 360-253-3976

State of Washington

County of Clark

Signed or attested before me on May 24 1999, by

Andrew J. Feucht II

James H. Wilk
(Signature of Notary Public)

Assit. Vice-President
(Seattle First Bank) Title

My appointment expires 2002



EXHIBIT 10/6...THE SHORT STORYBEHIND THE**SimplarTM**

PATENTED

SHREDDERBRUSH BLADE...

'NECESSITY has always been the MOTHER of INVENTION' - the inventor of this unique blade found it true again...While brush cutters are very popular - not a singleblade could be bought which will easily shred a big pile of blackberry right on the spot - until now! Anyone who has had to deal with blackberry knows what a job it is to try and get rid of them! The inventor had the same problem but simply could not buy a blade on the market that was up to the job! Every manufacturer in this line offers several blades for brushcutting - but none work very well...

and the in-motorized singleblade pile of

a job it is problem but to the job! brushcutting -

Many blades are just modified saw blades without any shredding capability whatsoever. You can cut with these and then arm wrestle with the brush. So-called 'brush blades' have fewer cutting elements and can therefore no longer saw. They also shred poorly since they are flat and operate horizontally. A very popular blade, sometimes called a 'brush knife' can actually shred somewhat, but due to only three cutting elements of this modified triangle it also cannot saw ...and worse: any stick bigger than your 'little pinkie' will stop this blade cold! Period.

Nothing else that works well exists; until now that is!

The SIMPLAR SHREDDERTM blade has none of the above limitations. It is first a very capable saw blade. Multiple individual cutting elements insure superbly smooth, repetitive cuts up to three inches in depth. That's more than adequate for most types of work. But there is much more to this blade! Integrally formed 'WING CUTTERSTM' act like several additional saw blades. Conventional blades can only cut horizontally - and offer no shredding. However, the addition of 'WING CUTTERSTM' completely changes that. Now the blade can both cut like a regular saw blade plus shred both horizontally and vertically. This gives the operator choices. He can now cut or shred as the job calls for. On site shredding eliminates a lot of unpleasant, time-consuming labor - and the shreddings can be left as mulch, improving soil condition and benefiting the environment...

Please direct inquiries to:

RETAIL INQUIRIES:

PERFORMANCE QUALITY SAW SHOPS, INC.
1414 NE 267th AVE, CAMAS, WA 98607
(360) 834 - 3460

DISTRIBUTOR INQUIRIES:

SIMPLAR CO
11017 NE 124th AVE.
VANCOUVER WA 98682 -1624
(360) 256 - 9160

US005875700A

United States Patent [11]
Powell [45]

Patent Number:

Date of Patent: M

[54] BRUSH CUTTING BLADE

[76] Inventor: Robert A. Powell, 1414 NE 267th
 Ave., Camas, Wash. 98607

[21] Appl. No.: 971,454

[22] Filed: Nov. 17, 1997

[51] Int. Cl.⁶ A01D 34/82

[52] U.S. Cl. 83/837; 83/835; 30/276;
 30/347; 56/295; 56/DIG. 20

[58] Field of Search 83/837, 835; 30/276,
 30/347; 56/255, 295, DIG. 17, DIG. 20

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Primary Examiner—M. Ruchuba

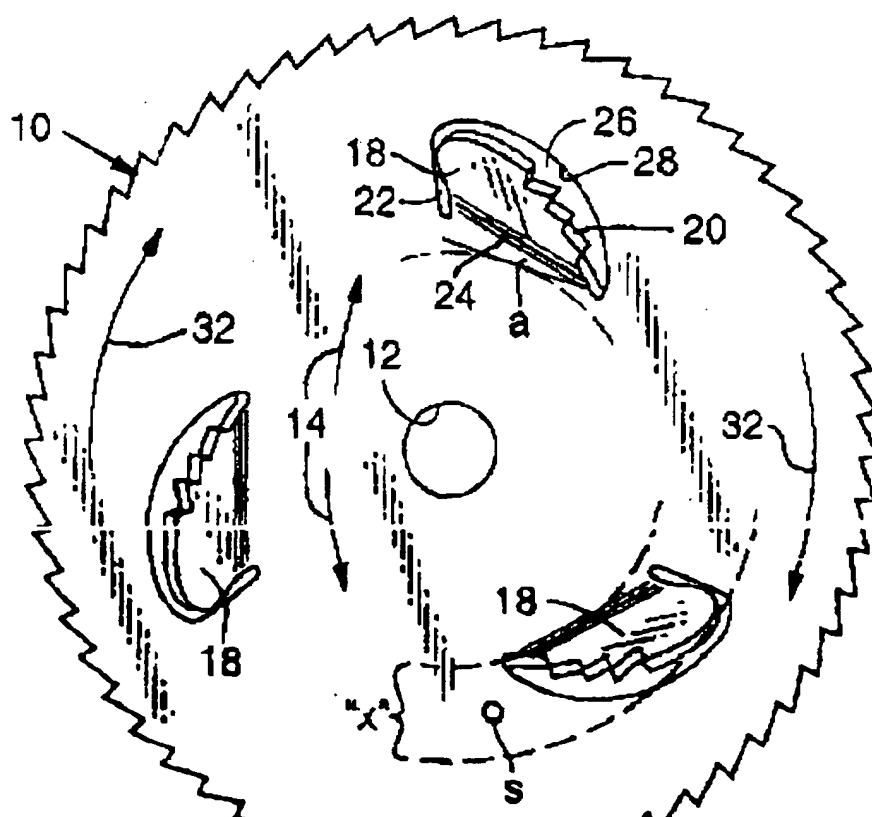
Assistant Examiner—Stephen Choi

Attorney, Agent, or Firm—Robert L. Haring

[57] ABSTRACT

A circular brush cutting blade with peripheral segments are bent or deflected out of the blade angle to the plane of the blade less than segments are configured to provide an incline for each segment that cuts a laterally external movement of the blade laterally or axially produced by folding the segments around juncture with the blade body whereby the blade created thereby is radially outward

4 Claims, 1 Drawing Sheet



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